

APPLICATION FOR A USE VARIANCE
TOWN OF FISHKILL, COUNTY OF DUTCHESS, NEW YORK

Application # **UV**

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APPLICANT: _____
COMPANY: _____
MAILING ADDRESS: _____
PHONE: _____

(OFFICE USE ONLY)		TA -
Date of Receipt of Application:		
Date of Public Hearing:		
Application Fee:	\$	Ck #
Escrow Fee:	\$	Ck #
Date Mailed to the DC Planning:		
Date of ZBA Decision:		
Date of Filing of Decision with Town Clerk:		
Date Decision Mailed to DC Planning:		

OWNER OF PROPERTY (if different than applicant): _____
(If property is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.)

APPEAL CONCERNS PROPERTY AT THE FOLLOWING ADDRESS: (must be full street address)

TAX GRID NUMBER: #06

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ZONING DISTRICT: _____ Year Owner Acquired Property: _____

THE APPLICANT'S APPEAL FROM A DECISION OF THE ZONING ENFORCEMENT OFFICER, OR AS DIRECTED BY THE PLANNING BOARD AS PERMITTED BY STATE LAW, CONCERNS THE FOLLOWING:

- _____ TOWN OF FISHKILL PLANNING BOARD ACTION
- _____ DENIAL OF AN APPLICATION FOR A BUILDING PERMIT
- _____ DENIAL OF AN APPLICATION FOR A CERTIFICATE OF OCCUPANCY
- _____ INTERPRETATION OF TOWN CODE CHAPTER: _____

FOR THE PROPOSED ACTIVITY: _____

DENIAL WAS BASED ON THE FOLLOWING SECTION(S) OF THE ZONING CODE: _____

DATE OF ZONING ENFORCEMENT OFFICER'S DECISION: _____

STATE WHAT TYPE OF USE VARIANCE YOU ARE REQUESTING: _____

TEST: No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests is met. Attach all supporting materials.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

Proof: _____

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

Proof: _____

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

Proof: _____

4. The alleged hardship has not been self-created:

Proof: _____

Is property within 500 feet of any of the following?

_____ Village of Fishkill, _____ Town of Wappinger, _____ Town of East Fishkill,
_____ City of Beacon _____ I - 84,
_____ State or County Rd (Route 9, 9D, 52, 82, DC-34, DC-35, DC-36)
_____ State park or other recreation area,
_____ existing or proposed right - of - way of any stream, creek or river (explain: _____)
_____ Wetlands or wetland buffer zones

Application Check List:

_____ Check made to the Town of Fishkill for the Application Fee (\$300.00 Residential or \$750.00 Commercial)
_____ Check made to the Town of Fishkill for the Escrow Deposit (\$1,000.00 Residential or \$2,500 Commercial)

Required: One (1) Original and twelve (12) Copies of the Following (13 Total) **(DO NOT STAPLE)**

_____ Application (3 pages)
_____ Environmental Assessment Form (Long or Short, Depending on the Project)
_____ Financial Disclosure Form (4 pages) notarized
_____ Professional drawings along with a plot or site plan outlining project
_____ Copy of the building permit denial letter
_____ Owners consent letter (if necessary)

Acknowledgement

In accordance with Town of Fishkill Town Code §150-98, the undersigned owner and, if different, the undersigned applicant acknowledge and agree that, in the event of failure to reimburse the engineering, legal or consulting expenses incurred by the Town, with regard to this application, the Town may seek recovery of such fees by action venued in a court of appropriate jurisdiction, and the owner and the applicant, if different, shall be jointly and severally responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action. In the alternative, and at the sole discretion of the Town, a default in reimbursement of such expenses incurred by the Town, with regard to this application, shall be remedied by charging such unpaid sums against the subject property and collecting them along with any other charges against the subject property.

Applicant's
Signature: _____

Date: _____

Owner's
Signature: _____

Date: _____